

MINUTES
REGULAR MEETING

City Council of the Town of Colma
City Hall, 1198 El Camino Real
Colma, CA 94014

April 14, 2004 - 7:30 p.m.

CALL TO ORDER – Mayor Pro Tem, Philip J. Lum, Jr. called the Regular Meeting of the City Council for the Town of Colma to order at 7:33 p.m.

PLEDGE OF ALLEGIANCE

ROLL CALL

Council Present -Mayor Pro Tem Philip Lum and Councilmembers Helen Fisicaro, Joseph Silva and Frossanna Vallerga.

Council Absent – Mayor Ronald Maldonado

Staff Present – City Manager Herb Moniz, Assistant City Manager Diane McGrath, Acting Chief of Police Robert Lotti, City Attorney Roger Peters, City Engineer Rick Mao, City Planner Malcolm Carpenter, Deputy City Planner Andrea Ouse, Recreation Services Manager Brian Dossey, and Recording Clerk Anita L. Thorsnes.

PUBLIC COMMENTS

Open to public.

Michael Franchetti, Counsel for Lucky Chances, Inc.

Closed to public.

PRESENTATIONS AND PROCLAMATIONS

1. Proclamation Honoring Ramon Limon on the Occasion of his 80th Birthday, April 4th
2. Presentation of California Integrated Waste Management Resources Board 2000 Recycling Award to Town of Colma for reaching 15% recycling requirement.
3. Expression of Appreciation by Members of the Project Read ESL Class

CONSENT CALENDAR

- 4. Accept Minutes of March 10, 2004 Regular City Council Meeting
- 5. Approve Warrants List for March 1-31, 2004
- 6. Motion to Accept Independent Auditor’s Report on Town’s Financial Statement (dated June 30, 2003), Measure A Funds and Report on Internal Control Structure and Compliance Matters (dated June 30, 2003). *(If a copy of the audited statement is not included with your agenda packet, a copy is available at the front counter of City Hall for public inspection.)*
- 7. Motion to Adopt Resolution 2004-22 DECLARING MAY 3 TO 9, 2004 MOSQUITO AND VECTOR CONTROL AND WEST NILE VIRUS AWARENESS WEEK
- 8. Motion to Adopt Ordinance 613 ALLOWING THIRD PARTY PROPOSITION PLAYERS, CHANGING RULES FOR DEPOSIT ACCOUNTS, AND RE-NUMBERING THE CARDROOM ORDINANCE -- ***second reading***
- 9. Motion to Adopt Ordinance 614 AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE TOWN OF COLMA AND THE BOARD OF ADMINISTRATION CALIFORNIA PUBLIC EMPLOYEES’ RETIREMENT SYSTEM 2% @ 55 PLAN -- ***second reading***
- 10. Motion to Adopt Ordinance 615 REGULATING LIVESTOCK ANIMALS -- ***second reading***
- 11. Motion to Adopt Resolution 2004-23 APPROVING RECORDS RETENTION SCHEDULE FOR RECREATION DEPARTMENT

Action: On motion of Joseph Silva to approve, seconded by Frossanna Vallerga, and carried, the Council approved the Consent Calendar by the following vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Ronald J. Maldonado					✓
Philip J. Lum, Jr.	✓				
Helen Fisicaro	✓				
Joseph Silva	✓				
Frossanna Vallerga	✓				
Voting Tally	4	0			

ORDINANCE TO BE INTRODUCED

- 12. Motion to Introduce an Ordinance Adding Subchapter 10 to Chapter 3, of the Colma Municipal Code for the Regulation of Woodburning Appliances in Certain Remodels and in New Construction

Action: At City Attorney’s request, no action was taken. The ordinance will be revised and brought back at a later meeting.

PUBLIC HEARING

13. **Consider:** Motion to Adopt Resolution Granting Fifth Amended Gambling Establishment Permit. Applicant Lucky Chances, Inc.

Report: City Attorney Roger Peters gave the report and recommended that the Council adopt a resolution granting the Fifth Amended Establishment Permit.

OPEN TO PUBLIC

Resident Dave Hatfield spoke in favor of the resolution.

CLOSED TO PUBLIC

Action: On motion to adopt a resolution by Frossanna Vallerga, seconded by Joseph Silva, and carried, Council approved Resolution 2004- 24 RESOLUTION GRANTING FIFTH AMENDED GAMBLING ESTABLISHMENT PERMIT by the following vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Ronald J. Maldonado					✓
Philip J. Lum, Jr.	✓				
Helen Fisicaro	✓				
Joseph Silva	✓				
Frossanna Vallerga	✓				
Voting Tally	4	0			

NEW BUSINESS

14. **Study:** Guidelines for Non-Resident Participation in Contract Recreation Classes.

Report: Recreation Manager Brian Dossey gave the report and recommended that the Council amend the administrative code 2.01.010. Eligibility Requirements to allow non-residents of the Town of Colma to participate in selected recreation classes and programs offered by the Recreation Services Department.

Action: On motion by Joseph Silva *for a six-month trial, provided that residents do not suffer because of it*, seconded by Frossanna Vallergera, and carried, the Council Instructed Staff to Prepare an Amendment to Recreation Guidelines (Colma Administrative Code), by the following vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Ronald J. Maldonado					✓
Philip J. Lum, Jr.	✓				
Helen Fiscaro	✓				
Joseph Silva	✓				
Frossanna Vallergera	✓				
Voting Tally	4	0			

15. **Consider:** Guidelines for Distributing Tickets for Lion King performances

Report: Recreation Manager Brian Dossey gave the report, and recommended that the Council consider amending the guidelines for distribution of Lion King tickets, and direct staff.

Action: On motion of Helen Fiscaro, seconded by Frossanna Vallergera, and carried, staff was instructed to conduct a lottery to distribute tickets to the “Lion King” – listing household members on the application – and setting a minimum age requirement of 8 years of age.

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Ronald J. Maldonado					✓
Philip J. Lum, Jr.	✓				
Helen Fiscaro	✓				
Joseph Silva	✓				
Frossanna Vallergera	✓				
Voting Tally	4	0			

16. Consider: Motion to Adopt Resolution Amending Sterling Park Recreation Center Rental Policy

Report: Recreation Manager Brian Dossey gave the report and recommended that the Council approve a new facility rental reservation schedule and fee schedule for Sterling Park Community Center, effective for facility rentals starting July 1, 2004.

Council directed staff to continue using existing guidelines. Rental of the Sterling Park Community Center is to remain exclusive to Colma residents.

Action: No action taken.

17. Consider: Motion to Adopt Resolution Approving a Contract Between Records Preservation & Management & the City Council of the Town of Colma

Report: Assistant City Manager Diane McGrath gave the report, and recommended that the Council adopt a resolution approving off-site storage for records as a component of the town's Records Management Program and authorizing the City Manager to execute an agreement with Records Preservation & Management.

Open to public comments.

No comments.

Closed to public.

Action: On motion to approve by Frossanna Vallerga, *with contract written in a form to be approved by Colma City Attorney*, seconded by Joseph Silva, and carried, the Council approved Resolution 2004-25 APPROVING A CONTRACT BETWEEN RECORDS PRESERVATION & MANAGEMENT AND THE CITY COUNCIL OF THE TOWN OF COLMA by the following vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Ronald J. Maldonado					✓
Philip J. Lum, Jr.	✓				
Helen Fisicaro	✓				
Joseph Silva	✓				
Frossanna Vallerga	✓				
Voting Tally	4	0			

18. Consider: Motion to Adopt Resolution for Employer Paid Member Contributions.

Report: Assistant City Manager Diane McGrath gave the report and recommended that the council adopt a resolution formalizing Employer Paid Member Contributions for Miscellaneous Personnel as approved by the Town in 1973.

Action: On motion to approve by Frossanna Vallerga, and authorizing the City Attorney to put the motion in a resolution that meets the intent of the motion, seconded by Joseph Silva, and carried, the Council approved Resolution 2004-26 RESOLUTION FOR EMPLOYER PAID MEMBER CONTRIBUTIONS by the following vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Ronald J. Maldonado					✓
Philip J. Lum, Jr.	✓				
Helen Fisicaro	✓				
Joseph Silva	✓				
Frossanna Vallerga	✓				
Voting Tally	4	0			

Mayor Pro Tem Philip Lum called for a 10-minute break.

19. Study: City-Wide Policy to Regulate Existing and New Accessory Buildings.

Report: Deputy City Planner Andrea Ouse gave the report and recommended that the Council:

- 1) Direct staff to formulate a public education process to inform residents of requirements for accessory buildings
- 2) Direct staff to establish a policy regarding legally non-conforming accessory structures
- 3) Direct staff to prepare changes to the Zoning Code establishing standards for new large and small accessory buildings
- 4) Direct staff to prepare resolution and ordinances necessary to adopt the compliance procedure provided by the City Attorney.

Action: Motion to of Joseph Silva, seconded by Helen Fisicaro, and carried, the Council directed staff to prepare formal policies and an ordinance to include amendments to regulations as outlined in the staff report as outlined including page 5 of the staff report, by the following vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Ronald J. Maldonado					✓
Philip J. Lum, Jr.	✓				
Helen Fisicaro	✓				
Joseph Silva	✓				
Frossanna Vallergera	✓				
Voting Tally	4	0			

20. **Consider:** Housing Element

Report: Deputy City Planner Andrea Ouse gave the report and recommended that the Council:

a) Adopt Resolution Approving Negative Declaration on the 2003 Town of Colma General Plan Housing Element Update (City-wide)

b) Approve Resolution Adopting the 2003 Town of Colma General Plan Housing Element Update (City-wide)

Open to public comments.

No comments.

Closed to public.

a) Action: On motion to approve by Joseph Silva, seconded by Helen Fisicaro, and carried, the Council approved Resolution 2004-27 RESOLUTION APPROVING NEGATIVE DECLARATION ON THE 2003 TOWN OF COLMA GENERAL PLAN HOUSING ELEMENT UPDATE (CITY-WIDE), by the following vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Ronald J. Maldonado					✓
Philip J. Lum, Jr.	✓				
Helen Fisicaro	✓				
Joseph Silva	✓				
Frossanna Vallergera	✓				
Voting Tally	4	0			

b) **Action:** On motion to approve by Joseph Silva, seconded by Helen Fisicaro, and carried, the Council approved Resolution 2004-28 RESOLUTION ADOPTING THE 2003 TOWN OF COLMA GENERAL PLAN HOUSING ELEMENT UPDATE (CITY-WIDE) by the following vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Ronald J. Maldonado					✓
Philip J. Lum, Jr.	✓				
Helen Fisicaro	✓				
Joseph Silva	✓				
Frossanna Vallerga	✓				
Voting Tally	4	0			

21. **Consider:** Motion to Adopt Resolution Accepting Work and Authorizing Notice and Certificate of Completion for the Hillside Historical Park and Community Center, Phase I – Project 945

Report: City Engineer Rick Mao gave the report and recommended that the Council adopt a resolution authorizing the City Engineer to file a Notice of Completion for the Hillside Historical Park and Community Center, Phase I – Project 945

Open to public comments.

Resident Franco Carson spoke in favor of approving the notice of completion, and offered his services free of charge to the project.

Closed to public.

On motion to approve by Frossanna Vallerga, seconded by Helen Fisicaro, and carried, the Council approved Resolution 2004-29 RESOLUTION ACCEPTING WORK AND AUTHORIZING NOTICE AND CERTIFICATE OF COMPLETION FOR THE HILLSIDE HISTORICAL PARK AND COMMUNITY CENTER, PHASE I – PROJECT 945, by the following vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Ronald J. Maldonado					✓
Philip J. Lum, Jr.	✓				
Helen Fisicaro	✓				
Joseph Silva	✓				
Frossanna Vallerga	✓				
Voting Tally	4	0			

22. **Consider:** Motion to Adopt Resolution Authorizing Steville Construction Company Inc. to Substitute Another Person as a Subcontractor for the Hillside Historical Park & Community Center Project

Withdrawn. No action taken.

23. Consider: Motion to Adopt Resolution Terminating and Vacating Easement for Public Utilities, Best Buy.

Report: City Engineer Rick Mao gave the report and recommended that the Council adopt a resolution to authorize a summary vacation of a portion of an existing Public Utility Easement (PUE) and authorize an acceptance of a new PUE at the Best Buy Project Site located at 200 Colma Boulevard.

Action: On motion to approve by Helen Fisicaro, seconded by Frossanna Vallerga, and carried, the Council approved Resolution 2004-30 TERMINATING AND VACATING EASEMENT FOR PUBLIC UTILITIES (Summary Reading)

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Ronald J. Maldonado					✓
Philip J. Lum, Jr.	✓				
Helen Fisicaro	✓				
Joseph Silva	✓				
Frossanna Vallerga	✓				
Voting Tally	4	0			

24. Consider: Motion to Adopt Resolution Approving Plans and Specifications for Junipero Serra Boulevard Beautification Project Phase I – Project 907

Report: City Engineer Rick Mao gave the report and recommended that the Council adopt a resolution approving final construction plans and specifications and authorize advertisement of bid for Junipero Serra Boulevard Beautification Project, Phase I – Project 907.

Action: On motion to approve by Helen Fisicaro, seconded by Joseph Silva, and carried, the Council approved Resolution 2004-31 RESOLUTION APPROVING PLANS AND SPECIFICATIONS FOR JUNIPERO SERRA BOULEVARD BEAUTIFICATION PROJECT, PHASE I – PROJECT 907, by the following vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Ronald J. Maldonado					✓
Philip J. Lum, Jr.	✓				
Helen Fisicaro	✓				
Joseph Silva	✓				
Frossanna Vallergera	✓				
Voting Tally	4	0			

25. Consider: Motion to Adopt Resolution Approving an Amendment to Contract Between Edward J. Gee & Associates and the City Council of the Town of Colma

Report: City Engineer Rick Mao gave the report and recommended that the Council adopt a resolution amending Edward Gee Associates' contract for an additional amount of \$63,300 for the architectural services for the value engineering of the new Police Facility – Project 943.

Action: On motion to approve by Helen Fisicaro, seconded by Joseph Silva, and carried, the Council approved Resolution 2004-32 APPROVING AN AMENDMENT TO CONTRACT BETWEEN EDWARD J. GEE & ASSOCIATES AND THE CITY COUNCIL OF THE TOWN OF COLMA, by the following vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Ronald J. Maldonado					✓
Philip J. Lum, Jr.	✓				
Helen Fisicaro	✓				
Joseph Silva	✓				
Frossanna Vallergera	✓				
Voting Tally	4	0			

26. **Study:** Status of Old Mission Road Specific Plan Process

Report: Deputy City Planner Andrea Ouse gave the report and asked Council to consider Council discussion and direct staff to continue with Specific Plan Process

Action: On motion of Joseph Silva, seconded by Frossanna Vallergera, carried, the Council directed staff to continue with specific plan process by the following vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Ronald J. Maldonado					✓
Philip J. Lum, Jr.	✓				
Helen Fisicaro	✓				
Joseph Silva	✓				
Frossanna Vallergera	✓				
Voting Tally	4	0			

Based on information received after preparation of agenda packet, City Manager Moniz asked Council to add a Closed Session Item to tonight's agenda in order to discuss property negotiations for 601 F Street.

Action: On motion of Frossanna Vallergera to approve, seconded by Helen Fisicaro, and carried, the Council approved adding Item 27 - Property Negotiations, 601 F Street to the Agenda by the following vote:

Name	Voting		Present, Not Voting		Absent
	Aye	No	Abstain	Not Participating	
Ronald J. Maldonado					✓
Philip J. Lum, Jr.	✓				
Helen Fisicaro	✓				
Joseph Silva	✓				
Frossanna Vallergera	✓				
Voting Tally	4	0			

COUNCIL CALENDARING

May 12th - 7:30 pm Regular City Council Meeting.

May 20th - 8:30 am – 2:00 pm Council Workshop.

REPORTS:

Pat Hatfield, Historical Association President, gave a Treasurer's report and an update of current events.

Councilmember Helen Fisicaro invited everyone to join in the Rebuilding Together Project, to provide home improvements to a Colma resident on April 24th.

Councilmember Joseph Silva will continue to attend Legislative Meetings and will keep the Council and staff informed about the Sales Tax Bill.

Councilmember Frossanna Vallergera notified staff that she would be away on vacation from April 20th – May 10th.

City Manager, Herb Moniz, received word from the San Mateo County Mosquito Abatement, inviting Councilmembers to serve on the Board; Announced that Mayor Maldonado is unable to attend the Regular June meeting and requested that it be moved to June 16th; Announced Efrem Ramos was appointed to the new Recreation Coordinator position; Announced this years' Annual Chamber Bowling Tournament will be held on Friday May 7th.

ADJOURNMENT

The meeting adjourned at 10:20 p.m. in memory of fallen S.F.P.D. officer Isaac Espinoza and long time resident Jean Marsigli.

CLOSED SESSION

27. Property Negotiations – 601 F Street

Property: 601 F Street, Colma. (APN 006-388-540)

Property Negotiators: City Manager Herb Moniz and City Attorney Roger Peters will negotiate on behalf of the Town of Colma.

Action: No reportable action taken.

ADJOURNMENT

Closed Session adjourned at 10:40 p.m.

Respectfully Submitted,

Anita Landis Thorsnes

Anita Landis Thorsnes

Deputy City Clerk

Approved by Council May 12, 2004